

Serial No.: 09/820,514

Attorney's Docket No.:10559/394001/P10259
Intel CorporationREMARKS

Claims 1, 3-8, and 10-28 were pending prior to amendment. Claims 1, 3-8, and 10-14 stand rejected as allegedly being unpatentable under 35 U.S.C. 112. Claims 1, 3-8, and 10-28 stand rejected under 35 U.S.C. 102 and 103 under one or more of U.S. Patent No. 5,237,667 to Murakami et al. ("Murakami") and U.S. Published Patent Applications US2002/0078326 to Roth et al. ("Roth").

Please cancel claims 1, 8, 15, and 22, without prejudice or disclaimer. Claims 3-7, 10-14, 16-21, and 23-28 remain pending after amendment, with claims 3, 10, 18, and 25 being independent.

I. The Rejections under 35 U.S.C. 112

The claims have been amended to address the issues noted in the office action. The rejections under 35 U.S.C. 112 are thus rendered moot.

II. The Rejections under 35 U.S.C. 102 and 103Claims 3-7

Claim 3 has been amended to include the features of claim 1. Claim 3 stands rejected under 35 U.S.C. 103 as allegedly being obvious over Murakami and Roth. However, since Roth was filed prior to the filing date of the current application but published after the filing date, it is prior art.

Serial No.: 09/820,514

Attorney's Docket No.: 10559/394001/P10259
Intel Corporation

under 35 U.S.C. 102(a). As noted in the Statement of Common Ownership below, both the present application and Roth were owned by or under obligation of assignment to Intel, Corporation, at the time of filing of the current application. Thus, Roth is unavailable as a reference under 35 U.S.C. 103, and the rejection is improper. Claim 3 has thus been placed in condition for allowance.

Claims 4-7 depend from claim 3, and are therefore in condition for allowance as well.

Claims 10-14, 16-21, and 23-28

Independent claims 10, 18, and 25 have been amended to include the features of claims 8, 15, and 22, respectively. Like claim 3, claims 10, 18, and 25 were rejected under the combination of Murikama and Roth, which is improper for the reason outlined above. Therefore, claims 10, 18, and 25 have been placed in condition for allowance.

Claims 11-14, 16, 17, 19-21, 23, 24, and 26-28 each depend from one of claims 10, 18, and 25, and are therefore in condition for allowance as well.

Statement of Common Ownership

The current application, Serial No. 09/820,514, and U.S. Published Patent Application No. US2002/0078326 to Roth et al. were, at the time the invention of application 09/820,514 was

Serial No.: 09/820,514

Attorney's Docket No.: 10559/394001/P10259
Intel Corporation

made, owned by or subject to an obligation of assignment to Intel Corporation.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Claims 3-7, 10-14, 16-21, and 23-28 are in condition for allowance, and a notice to that effect is respectfully solicited. If the Examiner has any questions regarding this response, the Examiner is invited to telephone the undersigned at (858) 678-4311.


Serial No.: 09/820,514

Attorney's Docket No.: 10559/394001/P10259
Intel Corporation

Please apply the one month extension of time fee in the amount of \$120, any any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: January 10, 2005


Linda G. Gunderson
Reg. No. 46,341
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10473244.doc